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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,270	03/24/2004	Robert R. Blandford	BLANDFORD-01	4085

  

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ROBERT PLATT BELL REGISTERED PATENT ATTORNEY P.O. BOX 13165 Jekyll Island, GA 31527		

  

EXAMINER	
WANG, HARRIS C	

  

ART UNIT	PAPER NUMBER
2439	

  

NOTIFICATION DATE	DELIVERY MODE
11/18/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/807,270	<b>Applicant(s)</b> BLANDFORD, ROBERT R.	
	<b>Examiner</b> HARRIS C. WANG	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 86-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 86-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant argues that Blandford does not teach a 'remote' storage (pg. 2 Remarks). However Applicant agrees that "there would be no problem finding a remote archive linked over the Internet in the previous literature. Applicant has stipulated that many times. The problem, however, is that those Prior Art archives are not non-rescindible (pg. 3 of Remarks)."

To quote the Applicants specification (Paragraph [0021]) "the archive may not allow anyone, including the user, to modify or delete these records during this time interval even if the user should ask this to be done. This agreement maybe be referred to as an agreement for non-rescindable storage."

Blandford teaches "the diarist, even though he is the owner of the system, cannot alter, change the date of, or erase data which is time-stamped authentication and already stored (Column 2)."

This appears to teach the "non-rescindable storage" which seems to be the crux of the Applicants argument and Blandford clearly teaches that limitation."

Applicant argues that "Topham is disclosing a time-stamping generator combined with the remote archive. Thus Topham does not meet the liitations of claim 86 missing from Blandford. The two references, taken alone or together, do not teach or suggest

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the remote archive and the user diary are located physically remote from and operated independently from, the encryption, site, the digital signature generator, and the secure third party time-stamping generator (pg. 4 of Remarks)."

Although Topham teaches the time-stamping remote from a remote archive as Applicant states, Topham is brought in to show that the concept of generally connecting items remotely through a network to an archive storage. The rejection reads "The claim would have been obvious because the technique for improving a data archive storage (sending data blocks to a third party device via a network) was part of the ordinary capabilities of a person of ordinary skill in the art...the results after modification would be predictable (all the elements would result in the same results as Blandford except they would be connected via a network).

The Examiner believes that if having a storage archive remote from user input is obvious to one of ordinary skill in the art, so too is having a remote time stamping means, digital signature producer and so on.

The arguments regarding Sykes have already been addressed in the previous actions.

The remaining arguments are derived from the above and are unpersuasive for the same rationale.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 86-88, 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford in view of Topham.

Regarding Claim 86-88, 91

Blandford (5347579) teaches a diary archive system comprising:

A user diary input, for receiving diary entries from a user, and processing the diary entries into one or more data blocks; diary archive storage, for receiving and storing the one or more data blocks, said remote diary archive storage preventing anyone, including the user, from modifying and from deleting said one or more data blocks stored at said remote diary archive for at least an initial time period, to provide non-rescindable storage of user diary entries for at least the initial time period, (*"the diarist, even though he is the owner of the system, cannot alter, change the date of, or erase data which is time-stamped, authenticated, and already stored" Column 2, especially, lines 60-63*)

encrypting or decryption of the one or more data blocks to create one or more encrypted data blocks, and transmitting said one or more encrypted data blocks over the network, to the remote diary archive storage in place of said one or more data blocks such that the remote archive storage cannot decrypt and read contents of the one or more data blocks; (*"Authentication by function is comparing the reconstructed text with*

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*a write-once read-many version of the original diary entry or by comparing an encrypted hash signature of the reconstructed text and original date with a WORM hash signature of the original time stamped entry. Preferably the program includes encryption and decryption with storage input/output" Column 4, lines 32-40)*

A digital signature generator, for computing for the user, a secure digital signature data block comprising a secure digital signature of the one or more data blocks; and storing said digital signature as an additional non-rescindable data block with the one or more data blocks in the remote diary archive storage to establish the user is the author of the one or more data blocks; time-stamping generator for receiving the one or more data blocks, time-stamping the one or more data blocks on receipt, and storing said time-stamp as an additional non-rescindable data block with the one or more data blocks in the remote diary archive storage (*"In archiving the diary entry, the program appends the real clock time to the stripped text and working data. Then in step 536 a digital signature is computed on the time stamped stripped text, the digital signature is a one-way encryption of the text and time data into a fixed length code that is most highly unlikely to be reproduced if changes were made in the text or data" Column 14, in particular, lines 48-55)*

Filing key generator for generating filing keys from said one or more data blocks (*Column 4, lines 52-55)*

Search means, to search stored filing keys at said remote diary archive ("The search and retrieve procedure is shown in Figure 21 and includes step 570 where the user enters one or more search parameters such as date, date range, name, key text words, compartment name and the like", Column 15, lines 33-36)

Blandford does not explicitly teach a network, coupled to the user diary input, for receiving the one or more data blocks from the user diary input and for transmitting the one or more data blocks from the user diary input:

An encryptor, decryptor, digital signature generator, time stamping generator, filing key generator, search means coupled to the network each located physically remote from and operated independently each other.

Topham (20020196685) teaches the technique of an archive storage remote from a time stamping generator and an encryptor coupled to a network for transmitting one or more blocks form the archive storage. (*Figure 5 of Topham, Paragraph [0094], Paragraph[ 0098-0099]*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the individual elements taught in the data archive storage of Blandford (digital signature, time-stamping, encryptor, decryptor, filing key generator, search means) with the technique of coupling a data archive to external network and sending data blocks to third party elements such as an encryptor a time stamp generator and the like as taught by Topham.

The claim would have been obvious because the technique for improving a data archive storage (sending data blocks to a third party device via a network) was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teaching of the technique for improvement in other situations. The results after the modification would be predictable (all of the elements would result in the same results as Blandford except they would be connected via a network)

Blandford and Topham do not explicitly teach where the user negotiates an initial time period with the remote diary archive to reach agreement on the initial time period for non-rescindable storage of said one or more data blocks;

Sykes teaches where the user negotiates an initial time period with the remote diary archive to reach agreement on the initial time period for non-rescindable storage of said one or more data blocks (*"The page might contain the option to extend archiving for one to seven years, providing pick buttons for making the selection and a place order button for effecting the transaction" Column 7, lines 37-40*);

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the storage of Blandford and Topham to have the ability to negotiate a time period for storage.

The motivation is to provide the archive storage compensation for an amount of time (Figure 13 of Sykes).

Claims 88-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford in view of Topham further in view of Applicant Admitted Prior Art (AAPA).

Regarding Claim 89-90

Blandford and Topham teach the claims of 86.



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They do not explicitly teach:

A voice input, coupled to the network, for receiving a user's voice;

Voice recognition and transcription system, coupled to the network, for generating one or more text blocks from voice waveform, wherein said voice recognition and transcription system comprises an independent voice recognition and transcription party

Application Admitted Prior Art (Paragraphs [0015-0017] of Background of the Invention) teaches that remote voice recognition and transcription is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blandford and Topham with a remote voice recognition and transcription service as provided by AAPA.

The claim would have been obvious because the technique for improving a data archive storage (sending data blocks to a third party device via a network) was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teaching of the technique for improvement in other situations. The results after the modification would be predictable (all of the elements would result in the same results as Blandford except they would be connected via a network)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRIS C. WANG whose telephone number is (571)270-1462. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDAN ORGAD can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harris C Wang/  
Examiner, Art Unit 2439

/Kambiz Zand/  
Supervisory Patent Examiner, Art Unit 2434